

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**CATINA PARKER**, *as Personal  
Representative of the Estate of  
Leonard Parker, Jr., deceased*

**PLAINTIFF**

**v.**

**Civil No. 1:21-cv-217-HSO-BWR**

**CITY OF GULFPORT**, *as a municipal  
Corporation;*

**JASON CUEVAS**, *in his individual  
and official capacities; and*

**JOHN DOE OFFICERS 1-5**, *in their  
official and individual capacities*

**DEFENDANTS**

**ORDER DENYING WITHOUT PREJUDICE DEFENDANT JASON  
CUEVAS'S MOTION [130] TO EXCLUDE THE TESTIMONY OF JOHN  
STAMM, PLAINTIFF CATINA PARKER'S MOTION [138] TO EXCLUDE  
THE TESTIMONY OF HOWARD RYAN AND JAMES MOLINARO, AND  
DEFENDANT'S MOTION [142] TO STRIKE MOTION [138] TO EXCLUDE**

BEFORE THE COURT are Defendant Jason Cuevas's Motion [130] to Exclude the testimony of John Stamm, Plaintiff Catina Parker's Motion [138] to Exclude the testimony of Howard Ryan and James Molinaro, and Defendant Jason Cuevas's Motion [142] to Strike Plaintiff's Motion [138] to Exclude. In light of the Court's Order [157] denying Defendant Jason Cuevas's Motion [132] for Summary Judgment on the basis of qualified immunity, the Court finds that these Motions [130], [138], [142] should be denied without prejudice as premature.

On April 19, 2022, Officer Cuevas filed a Motion [34] to Assert an Affirmative Defense of Qualified Immunity, which the Court granted. *See* Order [45]. The Court also granted Plaintiff's Motion [36] to Conduct Limited Discovery, allowing

discovery narrowly tailored to the issue of qualified immunity, which concluded on September 29, 2023. *See id.*; Order [126]. Subsequently, Defendant filed a Motion [130] to Exclude the testimony of John Stamm. *See* Mot. [130]. Plaintiff filed a Motion [138] to Exclude the testimony of Howard Ryan and James Molinaro, *see* Mot. [138], to which the Defendant responded by filing a Motion [142] to Strike Plaintiff's Motion [130] to Exclude, *see* Mot. [142]. Defendant also filed a Motion [132] for Summary Judgment on the basis of qualified immunity, *see* Mot. [132], which the Court denied on June 5, 2024, *see* Order [157].

In its Order [157], the Court lifted the stay on non-qualified immunity discovery and directed the parties to contact the Magistrate Judge to discuss how this case should proceed to trial. *Id.* at 13. Given the procedural posture of this case, the issues presented by the parties in the instant Motions [130], [138], [142] are unripe at this time, and may be reurged upon the conclusion of full discovery. Particularly so here, where the record reflects that Defendant's experts Howard Ryan and James Molinaro have not been deposed. Therefore, the Court will deny these Motions [130], [138], [142] without prejudice.

**IT IS THEREFORE, ORDERED AND ADJUDGED** that, Defendant Jason Cuevas's Motion [130] to Exclude the testimony of John Stamm, Plaintiff Catina Parker's Motion [138] to Exclude the testimony of Howard Ryan and James Molinaro, and Defendant Jason Cuevas's Motion [142] to Strike Plaintiff's Motion [138] to Exclude are **DENIED WITHOUT PREJUDICE**, with leave to reurge upon the conclusion of discovery.

**SO ORDERED AND ADJUDGED**, this the 5th day of June, 2024.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE